



Respondent:

Larry Kennedy
619 W. 5th Street
Wilmington, DE 19801

Violations:

§1224(a)(3) – Engaging in the business of applying a pesticide on the lands of another without having a license granted by the Department.

§1224(b)(4) – The use of fraud or misrepresentation in connection with the application of pesticides

Penalty:

Respondent signed a consent agreement on June 25th 2018. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$1,680.00.

STIPULATED FACTS

1. Larry Kennedy, (“Respondent”) is an expired commercial pesticide applicator (Cert No. 92-490). Respondent’s certification has been expired since 12/31/2010. Respondent does not have a pesticide business license issued by the Delaware Department of Agriculture (“Department”).
2. William Laws (“Laws”) is the owner of Wills Affordable Pest Control. Wills Affordable Pest Control has a pesticide business license issued by the Delaware Department of Agriculture.
3. Kathy Laws is employed by Wills Affordable Pest Control. Mrs. Laws is the office manager for Wills Affordable Pest Control.
4. The Pesticide Section of the Department (“Complainant,”) is bringing this enforcement action against Respondent. Stephen McReynolds, (“McReynolds”), is employed as an Environmental Scientist II with the Department.

5. On March 19th 2018, the Department received a phone call from Kathy Laws. During this phone call she reported that she had received two invoices/records of treatment from a realtor which indicated that the Respondent had performed applications for Will Affordable Pest Control. Kathy Laws stated that the Respondent had stopped working for them in the month of September 2017. The two invoices/records of treatment that were received were dated February 17th 2018 and March 10th 2018. The invoices were completed using Wills Affordable Pest Control paperwork.
6. On March 22nd 2018, McReynolds contacted the Respondent. The Respondent stated that he still worked for Will Affordable Pest Control and gave McReynolds William Laws cell phone number to verify. McReynolds contacted William Laws and Mr. Laws stated that the Respondent no longer worked for him.
7. On March 23rd 2018 McReynolds conducted an inspection at Will Affordable Pest Controls office. During this inspection McReynolds received a written statement from Mr. Laws stating that the Respondent had stopped working for him on September 8th 2017.
8. The record of treatment dated March 10th 2018 indicates that Tim-bor Professional (EPA Registration Number 64405-8) was applied to control powder post beetles in a crawl space located at 14 Hillside Ave, Frederica, DE 19946. This application would fall under the Delaware Category 7B Wood Destroying Pest Control. The record clearly shows the Respondents signature and payment confirmation. Tim-bor Professional is registered with the Department for sale and use as a pesticide.
9. The record of treatment dated February 17th, 2018 indicates that Armour Mold Away and Tempo SC Ultra Insecticide (EPA Reg. No. 432-1363) were applied to the foundation of the structure located at 14 Hillside Ave, Frederica, DE 19946. This application would fall under the Delaware Category 7A General Pest Control. The record clearly shows the Respondents signature and payment confirmation. Tempo SC Ultra Professional is registered with the Department for sale and use as a pesticide.
10. In the past 5 years, Respondent has no pesticide compliance violations with the Department.

*Signed: Delaware Department of Agriculture
Christopher Wade, Pesticide Administrator*